

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

**THE HONOURABLE MR. JUSTICE THOTTATHIL
B.RADHAKRISHNAN**

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

OP.No. 29584 of 2002(V)

PETITIONER:

**SUSANNAMMA K.I.
U.D.CLERK, OFFICE OF THE DISTRICT
EDUCATIONAL OFFICER, THODUPUZHA.**

**BY ADV. SRI.N.NANDAKUMARA MENON
SRI.K.VINODKUMAR
SRI.P.K.MANOJKUMAR
SMT.LAKSHMI.N.MENON**

RESPONDENTS:

- 1. THE STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.**
- 3. V.SUDHAKARAN,
JUNIOR SUPERINTENDENT,
OFFICE OF THE DEPUTY DIRECTOR OF
EDUCATION, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SMT.SMITHA SUKUMARAN

**THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

OP. NO.29584/2002

ORDER ON CMP. NO.50184/2002 IN OP. NO.29584/2002

DISMISSED

31.07.2007

SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE OBJECTION DT. 30.12.85 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.

EXT.P2:- COPY OF THE SENIORITY LIST OF L.D.CLERKS PUBLISHED BY THE 2ND RESPONDENT AS PER HIS PROCEEDINGS NO.SY3/17785/92/DPI DT. 26.9.94.

EXT.P3:- COPY OF THE PROMOTION ORDER NO.C5/25890/86/DPI DT.11.8.86 ISSUED BY THE 2ND RESPONDENT PROMOTING THE PETITIONER AS U.D.CLERK.

EXT.P4:- COPY OF THE PROCEEDINGS ORDER NO.SENIORITY SPL.CELL-114535/87 DT. 10.3.89 PUBLISHED BY THE 2ND RESPONDENT.

EXT.P5:- COPY OF THE ORDER NO.STY SPL CELL 114535/87 DT. 23.1.1991 ISSUED BY THE 2ND RESPONDENT ALONG WITH THE SUPPLEMENTARY PROVISIONAL SENIORITY LIST OF U.D.CLERKS SHOWING THE RANK AND SENIORITY OF THE PETITIONER IN THE CADRE OF U.D.CLERK.

EXT.P6:- COPY OF THE ORDER NO.SY2/114535/87 DT. 14.6.96 ISSUED BY THE 2ND RESPONDENT.

EXT.P6(a):- COPY OF THE SENIORITY LIST OF U.D.CLERKS PUBLISHED ALONG WITH EXT.P6 SHOWING THE RANK OF THE PETITIONER FOR THE PERIOD FROM 5.12.83 TO 31.12.85 COVERING VACANCIES FROM 15.12.83 TO 16.9.85.

EXT.P7:- COPY OF THE ORDER NO.SY2/114535/90 DT. 17.6.02 ISSUED BY THE 2ND RESPONDENT.

EXT.P7(a):- COPY OF THE PROVISIONAL REVIEW SENIORITY LIST OF U.D.CLERKS ATTACHED TO EXT.P7 FOR THE PERIOD FROM 1.12.83 TO 31.12.85.

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EXT.P8:- COPY OF THE JUDGMENT DT. 9.7.02 IN OP. 18770/02(H) IN THE HIGH COURT OF KERALA AT ERNAKULAM.,

EXT.P9:- COPY OF THE NOTICE NO.SY(2) 114535/90 DT. 16.7.02 ISSUED BY THE 2ND RESPONDENT.

EXT.P10:- COPY OF THE ORDER NO.SY2/114535/90 DT. 20.9.02 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER.

EXT.P11:- COPY OF THE ORDER NO.114535/90/SY2/DPI DT. 20 9.02 ISSUED BY THE 2ND RESPONDENT.

EXT.P11(a):- COPY OF THE EXTRACT OF THE SENIORITY LIST OF U.D.CLERKS PUBLISHED ALONG WITH EXT .P.11 FOR THE PERIOD FROM 1.12.83 TO 31.12.85.

EXT.P12:- COPY OF THE ORDER NO.C 5/3503/02/DPI DT. 28.9.02 ISSUED BY THE 2ND RESPONDENT.

EXT.P13:- COPY OF THE REPRESENTATION DT. 1.3.86 SUBMITTED BY THE PETITIONER TO THE DIRECTOR OF PUBLIC INSTRUCTIONS TRIVANDRUM.

EXT.P14:- COPY OF THE GOVERNMENT ORDER G.O.(P) NO.141/86/GAD DT. 30.4.86 ISSUED BY THE GOVERNMENT.

EXT.P15:- COPY OF THE ORDER DT. 23.9.04 G.O.(RT)NO.4148/04/G.EDN. ISSUED BY THE GOVERNMENT .

/TRUE COPY/

P.A. TO JUDGE

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THOTTATHIL B.RADHAKRISHNAN, J.

O.P.No.29584 OF 2002

Dated this the 31st day of July, 2007

JUDGMENT

Ext.P15 is placed on record by the petitioner along with I.A.No.10527/02 stating that reliefs similar to that prayed for by her have been granted to another similarly situated person as per Ext.P15 order of the Government.

Under the aforesaid circumstance, this writ petition is disposed of without expressing anything on merits, directing the first respondent to take up the case of the petitioner and decide on it in accordance with law and having regard to Ext.P15. It is clarified that the applicability of Ext.P15 to the facts of the case of the petitioner is left open for consideration by the Government. The decision as aforesaid shall be taken within an outer limit of four months from the date of receipt of a copy of this judgment. All consequential orders shall also follow on the basis of the decision that the Government may take. This will

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include appropriate decisions in relation to promotion and other incidental reliefs.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

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JUDGMENT

31st JULY, 2007.

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